IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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C.W.P NO.14001 OF 2006

Date of decision : October 31, 2006

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Punjab State Electricity Board .....Petitioner

Vs.

Prem Mehta & others .....Respondents

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CORAM: HON'BLE MR. JUSTICE VINEY MITTAL
HON'BLE MR. JUSTICE H.S BHALLA

Present: Mr. N.S Jagdeva, Advocate for the petitioner(s).
Mr. Ishwar lal, Advocate for respondent no.1.

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Viney Mittal, J. (Oral)

The petitioner-Punjab State Electricity Board has challenged the order dated November 4, 2003 Annexure P-10 passed by the Commissioner, Patiala Division, Patiala. The primary grievance raised by the petitioner-Board is that the aforesaid order Annexure P-10 had been passed by the Commissioner without affording any opportunity of hearing to the petitioner and without serving any notice in this regard. Learned counsel for the petitioner has also contended that the aforesaid order never came to the notice of the petitioner-Board till May 29, 2006 and as such the petitioner-Board had no opportunity to challenge the aforesaid order at any point of time.

After hearing learned counsel for the petitioner and taking into consideration the averments made by the petitioner-Board in the present

petition, we allow the present petition and quash the order Annexure P-10. We remit the matter back to the Commissioner, Patiala Division, Patiala-respondent no.3 to pass a fresh order in the proceedings in which the order Annexure P-10 has been passed.

The parties through their learned counsel are directed to appear before the Commissioner, Patiala Division, Patiala on December 4, 2006 at 10:00 A.M.

Till the matter is finally disposed of by the Commissioner, Patiala Division, Patiala, dispossession of respondents no. 1 & 2 from the premises in question shall remain stayed.

Copy of the order be given dasti on payment of the usual charges.

(VINEY MITTAL)
JUDGE

October 31, 2006
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(H.S BHALLA)
JUDGE